

12-09-04

IPWPCB
1602

PTO/SB/30 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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Request for Continued Examination (RCE) Transmittal

Address to:
Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

| | |
|------------------------|-------------------|
| Application Number | 10/067,974 |
| Filing Date | February 8, 2002 |
| First Named Inventor | Lhing-Yew Li |
| Art Unit | 1652 |
| Examiner Name | Kerr, Kathleen M. |
| Attorney Docket Number | 030738 |

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.
Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

a. ☒ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____

ii. ☐ Other _____

b. ☒ Enclosed

i. ☒ Amendment/Reply

iii. ☐ Information Disclosure Statement (IDS)

ii. ☐ Affidavit(s)/ Declaration(s)

iv. ☐ Other _____

2. **Miscellaneous**

a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)

b. ☒ Other Declaration of Lhing-Yew Li, Pursuant to 37 C.F.R. §1.132 (including References)

3. **Fees**

The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

The Director is hereby authorized to charge the following fees, or credit any overpayments, to

a. ☒ Deposit Account No. 02-4553 I have enclosed a duplicate copy of this sheet.

i. ☐ RCE fee required under 37 CFR 1.17(e)

12/10/2004 HALI11 00000044 10067974

ii. ☐ Extension of time fee (37 CFR 1.136 and 1.17)

01 FC:1202

270.00 DP

iii. ☐ Other _____

b. ☒ Check in the amount of \$ 790.00 enclosed

c. ☐ Payment by credit card (Form PTO-2038 enclosed)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

| | | | |
|-------------------|---------------------------|------------------|------------------|
| Signature | <i>Craig G. Cochenour</i> | Date | December 7, 2004 |
| Name (Print/Type) | Craig G. Cochenour | Registration No. | 33,666 |

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

| | | | |
|-------------------|--|------|--|
| Signature | | Date | |
| Name (Print/Type) | | Date | |

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Repln. Ref: 12/10/2004 HALI11 0023431300
DA#:024553 Name/Number:10067974

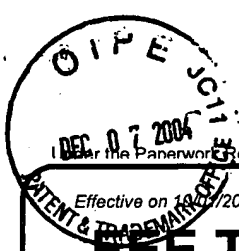
FC: 9204

\$480.00 CR

790.00 DP

12/10/2004 HALI11 00000043 10067974

01 FC:1801



PTO/SB/17 (11-04)

Approved for use through 07/31/2006. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Effective on 10/01/2004. Patent fees are subject to annual revision.

FEE TRANSMITTAL

For FY 2005

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$1,540.00)

Complete if Known

| | |
|----------------------|-------------------|
| Application Number | 10/067,974 |
| Filing Date | February 8, 2002 |
| First Named Inventor | Lhing-Yew Li |
| Examiner Name | Kerr, Kathleen M. |
| Art Unit | 1652 |
| Attorney Docket No. | 030738 |

METHOD OF PAYMENT (check all that apply)☒ Check ☐ Credit Card ☐ Money Order☒ Deposit Account ☐ NoneDeposit
Account
Number

02-4553

Deposit
Account
Name

Buchanan Ingersoll PC

The Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below☐ Charge fee(s) indicated below, except for the filing fee☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17☒ Credit any overpayments

to the above-identified deposit account.

☐ Other (please identify):

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

FEE CALCULATION**1. BASIC FILING FEE**

| Fee Description | Fee (\$) | Small Entity Fee (\$) | Fee Paid(\$) |
|-----------------------------|----------|-----------------------|---------------|
| Utility Filing Fee | 790 | 395 | |
| Design Filing Fee | 350 | 175 | |
| Plant Filing Fee | 550 | 275 | |
| Reissue Filing Fee | 790 | 395 | |
| Provisional Filing Fee | 160 | 80 | |
| Amendment Record (attached) | | | 750.00 |
| Subtotal (1) \$ | | | 750.00 |

FEE CALCULATION (continued)**2. EXTRA CLAIM FEES**

| Fee Description | Fee (\$) | Small Entity Fee (\$) |
|---|----------|-----------------------|
| Each claim over 20 | 18 | 9 |
| Each independent claim over 3 | 88 | 44 |
| Multiple dependent claims | 300 | 150 |
| For Reissues, each claim over 20 and more than in the original patent | 18 | 9 |
| For Reissues, each independent claim more than in the original patent | 88 | 44 |

| Total Claims | Extra Claims | Fee (\$) | Fee Paid (\$) |
|--|--------------|----------|---------------|
| _____ - 20 or HP = _____ x _____ = _____ | | | |
| HP = highest number of total claims paid for, if greater than 20 | | | |

| Indep. Claims | Extra Claims | Fee (\$) | Fee Paid (\$) |
|---|--------------|----------|---------------|
| _____ - 3 or HP = _____ x _____ = _____ | | | |
| HP = highest number of independent claims paid for, if greater than 3 | | | |

| Multiple Dependent Claims | Fee (\$) | Fee Paid (\$) |
|---------------------------|----------|---------------|
| _____ | _____ | _____ |

Subtotal (2) \$**3. OTHER FEES**

| Fee Description | Fee (\$) | Small Entity Fee (\$) | Fee Paid(\$) |
|--|----------|-----------------------|---------------|
| 1-month extension of time | 110 | 55 | |
| 2-month extension of time | 430 | 215 | |
| 3-month extension of time | 980 | 490 | |
| 4-month extension of time | 1,530 | 765 | |
| 5-month extension of time | 2,080 | 1,040 | |
| Information disclosure stmt. fee | 180 | 180 | |
| 37 CFR 1.17(q) processing fee | 50 | 50 | |
| Non-English specification | 130 | 130 | |
| Notice of Appeal | 340 | 170 | |
| Filing a brief in support of appeal | 340 | 170 | |
| Request for oral hearing | 300 | 150 | |
| Other: Request for Continued Examination (RCE) | | | 790.00 |
| Subtotal (3) \$ | | | 790.00 |

SUBMITTED BY

| | | | | | |
|-------------------|---------------------------|-----------------------------------|--------|-----------|--------------|
| Signature | <i>Craig G. Cochenour</i> | Registration No. (Attorney/Agent) | 33,666 | Telephone | 412-562-3978 |
| Name (Print/Type) | Craig G. Cochenour | | | Date | 12/7/2004 |

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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| | | |
|---|--------------------------------------|---------------------------------|
| CERTIFICATE OF MAILING BY "EXPRESS MAIL" UNDER 37 CFR 1.10 - SEPARATE PAPER | | ATTORNEY'S DOCKET NO. 030738 |
| IN RE APPLICATION OF: Lhing-Yew Li, et al. | | |
| Application Serial No.: 10/067,974 | Filing Date: February 8, 2002 | |
| Title: Polynucleotide Constructs Encoding Aspartate Kinase, Aspartate-Semialdehyde Dehydrogenase, and Dihydrodipicolinate Reductase and Related Constructs, Products, and Methods | | |
| Group Art Unit 1652 | Examiner Kerr, Kathleen M. | |

Express Mail mailing label number: EV 418517652 US
Date of Deposit: December 7, 2004

I hereby certify that this paper or fee is being deposited with the
United States Postal Service "Express Mail Post Office to Addressee"
service under 37 CFR 1.10 on the date indicated above and is addressed
to MAIL STOP RCE, Commissioner for Patents, P.O. Box 1450,
Alexandria, VA 22313-1450.

Ellie Pingree

(Typed or printed name of person mailing paper or fee)



(Signature of person mailing paper or fee)